

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

**CRIMINAL NO. 1:21-cr-00039-TBM-RHWR-1
CIVIL ACTION NO. 1:23-cv-00204-TBM**

LEONARD CHARLES THOMAS, JR.

ORDER

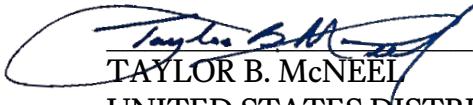
Defendant Leonard Charles Thomas, Jr. ("Thomas") filed a Motion to Vacate, Set Aside, or Correct a Sentence by a person in Federal Custody Under 28 U.S.C. § 2255 in which he alleges that he received ineffective assistance of counsel. [49], [50]. Before considering the Motion to Vacate, the Court finds Thomas's former defense counsel should be required to respond to his allegations via affidavit. Accordingly:

IT IS THEREFORE ORDERED that Defendant's former attorney, James Bailey Halliday, shall file, within forty-five (45) days of this Order, a written affidavit responding to the allegations in Defendant's Motion to Vacate Under 28 U.S.C. § 2255, and shall provide a copy of the affidavit to the Government. The Government is directed to furnish the above-referenced attorney with a copy of this Order and Defendant's Motion to Vacate Under 28 U.S.C. § 2255, if he has not received them from the Clerk of Court.

The Court specifically finds that Defendant has waived his right to claim attorney-client privilege in regard to these proceedings.

IT IS FURTHER ORDERED that the Government shall file its Response to Defendant's Motion to Vacate Under 28 U.S.C. § 2255 within thirty (30) days after defense counsel's affidavit is filed.

SO ORDERED this the 25th day of August, 2023.



TAYLOR B. MCNEIL
UNITED STATES DISTRICT JUDGE